

and an unblocking position while inhibiting the first door panel from rotating about a vertical axis.

REMARKS

The present application is a continuation of copending parent application Serial No. 09/394,027. In the parent application, claims 10-15, 18, 21-28, 30-35, and 37 were allowed. Claims 30-35 and 37 were added to that case post filing. By way of amendment above, the applicants are pursuing claims from the parent case that were cancelled therein, without prejudice, in the interest of progressing that application to issuance. The applicants previously traversed the rejections of the now-pursued claims. The following amply provides that the claims of the present case are all in condition for allowance.

In regard to independent claim 1, none of the cited art, whether taken alone or in combination, teaches or suggests a door as claimed therein. For example, the primary reference relied upon in making an obviousness rejection in the parent case (i.e., Clark) discloses a rigid door panel. The examiner in the parent case considered Clark face panels (9 and 10) to be a flexible covering, however, the applicants pointed-out that Clark nowhere describes its face panels as being flexible and indeed the face panels appear rigid. For example, the face panels are mounted with bearing strips 26 that travel in rollers to guide the door, where flexible face panels would hinder such operation. Further, the door panel structure shown in figures 2, 4, and 8 appears to be identical to the unnumbered door structure shown in cross-sectional in figure 23, and the embodiment of figure 23 is mounted with guide rails 65 clearly

suggesting that it is an entirely rigid structure, as well. In short, the Clark structure does not provide a door having a flexible covering, as claimed.

Not only are the Clark face panels rigid, the Clark face panels are rigidly separated and not thickness compressible. The Clark door has side pieces 6 and top and bottom pieces 7 and 8, and these pieces form a rigid frame. The leading-edge side piece has an indentation for affixedly mounting a seal 18 (see, FIG. 16); the top piece 7 spans the entire top edge of the door and is secured to multiple rollers through shanks 16 extending entirely through a bore hole in the top piece (see, FIG. 11); and the bottom piece 8 is mounted to sealing elements 24 that make a snug contact with the floor in a closed door position. These side and top and bottom pieces are rigid and, along with the face panels, prevent the Clark Door from being thickness compressible.

In the parent case, the examiner pointed to the Suter reference in combination with Clark as disclosing the subject matter of claim 1. The rejection was improper.

First, no prima facie case of obviousness was made, because there is no legally proper suggestion for combining the Suter structure with the Clark structure.

As explained by the Federal Circuit:

As this court has stated, “virtually all [inventions] are combinations of old elements.” Therefore, an examiner may often find every element of a claimed invention in the prior art. If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be “an illogical and inappropriate process by which to determine patentability.” To

prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.

In re Rouffet, 47 U.S.P.Q.2d 1453, 1457 (Fed. Cir. 1998)(citations omitted and emphasis added). The examiner provided no motivation to combine.

No legally permissible suggestion was identified in the parent case because none exists. Clark discloses a rigid panel door having an interior space of insulation material. The door is particularly adapted for use on a cold storage locker. Clark expressly states that an object of his invention is to provide means to seal a door opening and prevent passage of air into and out of the door opening. (See, Col. 1, lines 18-24). At the time of Clark, given the technology, one could not provide adequate insulative R-value in anything but a rigid door. In fact, Clark is directed toward preventing air flow by the use of sealing means around the top, bottom and sides of a traditional sliding door. That no one in the 40 years since Clark taught or described a door like that of Clark but impactable is quite telling.

The Suter reference discloses an inflatable structural component, not a door, as claimed in claim 1, and therefore does not anticipate the claim. Further, there is no disclosure in Suter that its inflatable component would be useful as a door, much less useful as a door on a cold storage compartment, as would be required for combination with Clark. For example, there is no teaching in Suter that its materials offer sufficient R-values for the cold storage applications to which Clark was concerned.

The nature of the Suter structure actually suggests that it would not be combined with Clark. The Suter structure uses a polyurethane treating process to create an airtight inflatable component. Yet, the various seal mountings on the Clark door edge pieces—required to allow the Clark door to move and form an airtight seal around the doorway—would be wholly incompatible with the airtight inflatable structure of Suter. For example, shanks (16) are used in Clark to suspend its door from rollers. These shanks are integrally mounted to the door through a bore hole *into* the insulating core of the Clark door. (See, FIG. 11). Such a configuration would present a point air-leak if used on the Suter structure. In fact, the Suter structure would appear entirely incompatible with industrial applications in which a door is designed to be movable and/or impactable. As is known, such impacts not only wear away the surface of a door, but they may include pointed objects, like forks on a fork lift truck, which could puncture airtight sealing surfaces, like that of Suter.

Even if there were a legally permissible suggestion for combining Suter and Clark, which there is not, one would still not arrive at the combination of claim 1. Replacing the foam of Clark with the structure of Suter would still result in a rigid door (i.e., a door with rigid faces 9 and 10 and rigid edge pieces 6-8). It would not result in a door with a flexible covering and a door panel which is at least thickness compressible, as recited in claim 1. Further, there is no teaching to replace the foam of Clark with the structure of Suter and then remove the face panels 9 and 10 of Clark to expose the foam core. Further still, there is no suggestion, to replace the face panels and edge pieces forming the Clark door with the structure of Suter. In these two latter examples, there would be no means for mounting for the bearing strips, the parallel rails, the shanks, or other structures used in the various Clark embodiments.

Therefore, not only is there no teaching to combine Suter and Clark, as was suggested in the parent case, the combination would not teach the claimed subject matter of claim 1. Claim 1, and claims 2-9, 16, 17, 20, and 29 by implication, are in condition for allowance.


As claim 30 recites structure similar to that of claim 1, in particular a door including a resilient core and a flexible covering, as well as a first door panel that is able to substantially recover its relaxed shape after an impact causes appreciable distortion in the first door panel, claim 30 is also in condition for allowance.

If the Examiner is of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is invited to contact the undersigned at the number identified below.

Respectfully submitted,

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VERSION TO SHOW CHANGES MADE

In the Claims:

Please Cancel claims 10-15, 18, and 21-28.

Please amend claims 1-3, in the following manner:

1. (Once Amended) A door for at least partially covering a doorway in a wall and being able to recover from an impact, comprising:
 - a resilient core;
 - a flexible covering that at least partially covers the resilient core to comprise a first door panel having a relaxed shape disposed along a plane, the first door panel being at least thickness compressible and further being [wherein the first door panel is] able to substantially recover its relaxed shape after [the] an impact causes appreciable distortion in the first door panel, [and] the first door panel [is] being further able to transmit in a direction within the plane a compressive load [and do so] having a magnitude below a first threshold without appreciable distortion to the first door panel; and
 - an actuation system coupled to the first door panel to render the first door panel moveable laterally to the doorway between a doorway blocking position and an unblocking position while inhibiting the first door panel from rotating about a vertical axis.
2. (Once Amended) The door of claim 1, wherein the first door panel is able to transmit a compressive load within the plane and having a magnitude [of] which is at least equal to the weight of the resilient core.
3. (Once Amended) The door of claim 1, wherein the first door panel is able to transmit a compressive load within the plane and having a magnitude [of] which is at least equal to the weight of the resilient core plus the weight of the flexible covering.

Please add the following new claims:

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29. The door of claim 1, wherein the first door panel is vertically compressible by a force in the plane having a magnitude above the first threshold and is further able to recover its relaxed shape after the force is at least one of reduced below the first threshold and removed.

30. A door for at least partially covering a doorway in a wall and being able to recover from an impact, comprising:

a resilient core;

a flexible covering that at least partially covers the resilient core to comprise a first door panel having a relaxed shape disposed along a plane, wherein the first door panel is able to substantially recover its relaxed shape after the impact causes appreciable distortion in the first door panel, and the first door panel is vertically compressible by a force in a direction within the plane having a magnitude above a first threshold and is further able to recover its relaxed shape after the force is at least one of reduced below the first threshold and removed; and

an actuation system coupled to the first door panel to render the first door panel moveable laterally to the doorway between a doorway blocking position and an unblocking position while inhibiting the first door panel from rotating about a vertical axis.